

**REMARKS**

Favorable reconsideration and allowance of this application are requested.

**1. Discussion of Claim Amendments**

By way of the amendment instructions above, the pending claims have been revised in an effort to clarify the same. Accordingly, upon entry of this amendment, revised versions of claims 1-15 will remain pending herein for consideration. Favorable action on such pending claims is again requested.

**2. Response to 35 USC §112 Issue**

Claims 1-10, 12 and 14-15 attracted a rejection under 35 USC §112, second paragraph as allegedly being indefinite.

By way of the amendment instructions above, claim 1 has been amended so as to clarify that a fluid bed of urea particles is formed above a distribution plate in a fluid bed granulator by introducing fluidization air containing very finely atomized water droplets through at least one inlet of the granulator. In addition, claim 14 has been revised so as to clarify that water droplets are introduced into the fluidization air by atomizing water through the water atomizers. Proper Markush terminology has now been employed in claim 12.

Claims 1-10, 12 and 14-15 are therefore submitted to be fully compliant with 35 USC §112, second paragraph. Withdrawal of the rejection advanced under 35 USC §112, second paragraph is therefore in order.

**3. Response to 35 USC §103(a) Rejections**

The only issues remaining to be resolved in this application are the Examiner's rejection of claims 11-13 under 35 USC §103(a) based on Rabie et al or Pevzner et al, and the rejection of claims 11-15 under 35 USC §103(a) base on Nack or Denaeyer et

al. In this regard, the Examiner seems to be of the opinion that the granulators of the cited references contain sprayers and water atomizers and that the only difference between the invention defined by claim 10 and the cited references is the position of the sprayers. As will become evident from the following discussion, the Examiner's interpretation of the references is erroneous which has in turn led to an erroneous conclusion of obviousness.

Rabie (USP 7,029,504)

The granulator of Rabie only contains sprayers – **not** atomizers. Certainly therefore Rabie does not disclose both sprayers for spraying a urea melt or atomizers for atomizing water into a fluidization air.

In column 2, lines 33+ or Rabie, it is stated that the concentrated calcium nitrate liquid is sprayed. This means of course that sprayers are present. Rabie is silent about the presence of atomizers. However Rabie mentions in column 2, lines 36-37 that 10-15 wt. % of water is **removed** from the calcium nitrate particles by hot air. In direct contrast, according to the granulator of the presently claimed invention a melt containing at most a few percents of water is spayed by means of the sprayers, and that additional water is supplied by the atomizers to cool the melt by introducing atomized water into the fluidized air. Clearly in Rabie atomizers are not disclosed or required because of the high water content in the calcium nitrate liquid atomizers.

As such, the Examiner's conclusion of water atomizers being present in Rabie is not supported at all by the facts it Rabie's disclosure.

Denaeyer (USP 3,844,726)

Denaeyer discloses (column 3, lines 25+) that an aqueous medium is supplied on top of seed particles so as to allow the particles grow. The aqueous medium is a solution containing the solid material to produce the particles. Therefore Denaeyer discloses structure that functionally is equivalent to the sprayers as defined in pending

claim 10 herein. Separate atomizers to supply atomized water are not described by Denaeyer et al.

Pevzner (US 4,261,958)

Like Denaeyer et al, the granulator of Pevzner only contains sprayers for the spraying the solution containing the solid material to form the granulate particles. Although the sprayers may be able to feed an atomized solution (see column 3, line 61), they are still sprayers for the product and not separated atomizers next to the sprayers.

Nack (US 3,036,338)

The granulator of Nack does even not contain a sprayer, but instead discloses a shower head (reference 23 in the figure). It is impossible according to Rabie to introduce the shower head in the distribution plate since to do so would not permit the shower to function. It would furthermore not obvious be obvious to do so, since it immediately will cause problems if the fusible material of Nack is directly fed to the fluid bed.

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Therefore, as noted from the discussion above, none of the applied references alone or in combination disclose or suggest granulator structures as is defined in applicants' pending claims 11-15. In this regard, the functions attributable to the prior art structures appear to be based on the Examiner's speculation of the same, and not based on the facts of the prior art disclosures and as such are erroneous.<sup>1</sup> For such reason, at least, the rejections advanced under 35 USC §103(a) against claims 11-15 are in error and must be withdrawn.

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<sup>1</sup> See, *In re Katzaschmann*, 146 USPQ 66 (CCPA 1965).

**MUTSERS et al**  
**Serial No. 10/564,082**  
July 13, 2009

**4. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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